

Application No: 10/665,687 Docket No.: Q137-US6

Page 6

REMARKS

Claims 43 and 67 are currently amended. Claims 1-42 and 46-66 are canceled. Claims 44-45, and 68-86 were previously presented. Accordingly, claims 43-45, and 67-86 are pending examination.

Rejection of Claim 43 Under 35 USC §112

Claim 43 stands rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement.

Figures 21-24 and the associated text provide the support for claim 43. Figures 21 and 22 both show that the tab is not attached to the end cap as the tab extends past the center of the end cap to the point where the tab is actually attached to the end cap at reference number 110. In fact, the specification teaches this arrangement when it states “the tab 94 is sufficiently long to locate the weld 110 beyond the center point of the circular end cap 114” in paragraph 48. The specification then teaches that the “flexible tab 94 (of Figures 21-23) can be bent into the configuration depicted in Figure 24” (paragraph 51). Bending the tab does not cause the portion of the tab that was not attached to the end cap in Figures 21 and 22 to become attached to the end cap. However, the attachment at 110 remains intact. As a result, Figure 24 shows a tab that is attached to an end cap at a second location but is not attached to the second end cap from the first location to the second location.

The Office Action argues that Figure 24 of the specification shows the tab in contact with the end cap. The Office Action appears to be arguing that the supposed contact between the tab and the end cap contradicts the prior claim language. In order to clarify this issue, the Applicant has changed the term “connected” to “attached.” For instance, claim 43 now recites that the “the tab is not **attached**.” Things that contact one another are not necessarily attached. For instance, a pencil eraser can contact your desk without being attached to the desk. As a result, even if the tab contacts the end cap as argued, this arrangement would not contradict the claim language.

Application No: 10/665,687 Docket No.: Q137-US6

Page 7

Rejection of Claims Under 35 USC §103

Claims 43-45 and 67-69, 83 and 86 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,501,916 (Teramoto) in view of U.S. Patent No. 6,399,242 (Kitoh).

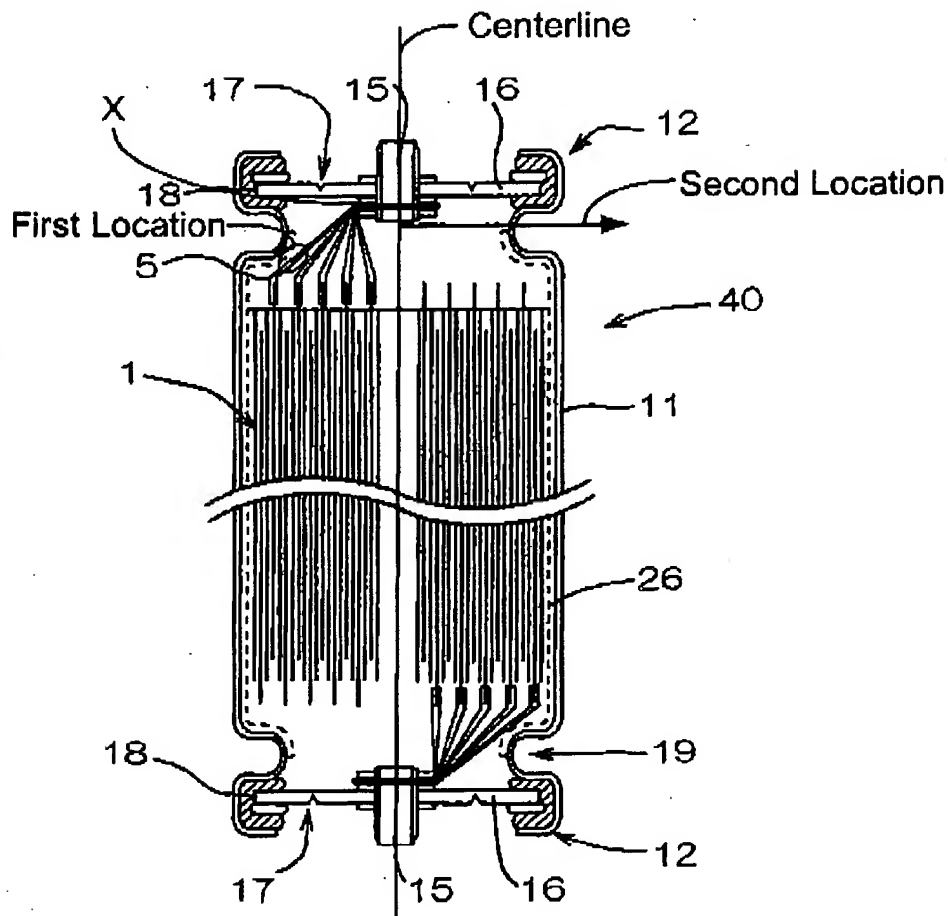
Claim 43 recites that “the tab extend(s) from a first location adjacent to the case past a center point of the second cap to a second location where the tab is physically attached to the second end cap.” Claim 43 also recites that “the tab is not attached to the second end cap from the first location to the second location.” As a result, in order to support the obviousness rejection, the cited art must teach or suggest that the tab is not attached to the second end cap from the first location adjacent to the case, past the center point of the second cap, to the second location.

The Office Action cites Figure 4 of Kitoh for the required teaching. The Examiner appears to interpret claim 43 as reciting that the tab is not attached to the second end cap somewhere between the first and the second location. However, the claim recites that the tab is not attached to the second end cap from the first location to the second location. The use of the terms “from” and “to” in this phrase requires that the unattached portion of the tab extends FROM the first location TO the second location. Note that this arrangement provides the functionality shown in Figures 22 and 23 and described in paragraph 48.

In the below diagram, the Applicant has added four labels to Figure 4 of Kitoh. The Applicant has labeled a location adjacent to Kitoh's case as a first location. The Applicant has labeled a line through the center of a cap as the centerline. The Applicant has also labeled locations past the centerline from the first location as the second location.

The below diagram teaches a tab that extends from the first location, past the center of the cap, to the second location. However, the tab is attached to the cap at the location that the Applicant has labeled X. The location marked X is between the first location and the second location. Since Kitoh's tab is attached to the end cap between the first location and the second location, Kitoh's tab fails to teach a tab that is not attached to the second end cap from the first location to the second location as recited in claim 43.

As a result, the tabs disclosed in Figure 4 of Kitch do not provide the required teaching or suggestion.



The Office Action further states that "Teramoto et al. does not teach a conductive tab extending from a location adjacent to the case to a location where the tab is electrically connected to the second battery lid." As a result, Teramoto also does not provide the required teaching or suggestion.

Since neither Teramoto nor Kitoh teaches or suggests a tab that is not attached to a second end cap from the first location adjacent to the case, past the center point of the second cap, to the second location, Teramoto in view of Kitoh does not teach or suggest

Application No: 10/665,687 Docket No.: Q137-US6

Page 9

every element of claim 43. As a result, claim 43 is patentable over Teramoto in view of Kitoh.

Rejection of claims 44-45, and 67-86

Claims 44-45, and 67-86 each depends directly or indirectly from independent claim 43. Since claim 43 is believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

Further Prosecution

For the purposes of further prosecution, the Applicant attaches the documents listed below. The Applicant makes not representation about the content of these documents at this time.

1. Webster's New World College Dictionary, 4th ed., pp 90-91 (2006).
2. Definition of attach printed from
<http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861587579> on January 31, 2008 (2 pages).
3. Definition of attach printed from
<http://www.onelook.com/?other=web1913&w=Attach> on January 31, 2008 (1 page).
4. Definition of attach printed from
http://dictionary.cambridge.org/define.asp?key=attach*1+0&dict=A on January 31, 2008 (2 pages).

Application No: 10/665,687 Docket No.: Q137-US6

Page 10

CONCLUSION

Applicant submits that the claims define patentably over the prior art and that this application is in condition for allowance. Accordingly, favorable consideration and allowance of this application is courteously requested.

The Examiner is encouraged to telephone the undersigned with any questions.



Travis Dodd
Reg. No. 42,491
Agent for Applicant(s)

Quallion LLC
P.O. Box 923127
Sylmar, CA 91392-3127
818-833-2003 ph
818-833-2065 fax
travisd@quallion.com

encarta greeting cards more

MSN encarta®

Search Encarta Web

Home Encyclopedia Dictionary Atlas K-12 Success College & Grad School Adult Learning Quizzes More

Advertisement

Dictionary

Find

attach

in

Dictionary

Dictionary Thesaurus Translations

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

atrophic gastritis
atrophic rhinitis
atrophic vaginitis
atrophy
atropine
Atropos
att.
attaboy
► **attach**
attaché
attaché case
attached
attachment
attachment of earnings
attack
attack ad
attack dog

attach

N attach

at·tach [ə tách] (*past and past participle* at·tached, *present participle* at·tach·ing, *3rd person present singular* at·ta·ches)

verb

Definition:

1. transitive verb secure something to something else: to secure one thing to another

- *attached the door to the frame*

2. transitive verb add something to something else: to append or fasten one thing to another

- *attached copies of the contracts*

3. transitive verb ascribe something: to assign a character or quality to something under consideration

- *I attach no importance whatsoever to their claims.*

4. intransitive verb be associated with something: to have a close inherent relationship to something

- *little prestige attached to this post*

Print Preview

See pronunciation key

Search for "attach" in all of MSN Encarta

E-mail this entry

Also on Encarta

- 10 tips for building your English
- Secret students
- What colleges really want
- Making the most of unemployment
- The reverse glass ceiling
- 6 things that are right with schools
- Famous misquotes quiz
- Coffee break: Recharge your brain

Make your dreams come true with Englishtown.

Our Partners

- ApplyWise Online College Admission Counseling
- ClassesUSA.com: Compare online classes
- Kaplan Test Prep and Admissions
- The Princeton Review
- Tutor.com: Live Help When You Need It

Advertisement

Also on MSN

- See 'Bone Detectives' solve ancient mysteries on the Discovery Channel
- MSN Shopping: Best books for the holidays
- MSN Careers: Nail that job interview
- Today's news on MSNBC

attach definition - Dictionary - MSN Encarta

Page 2 of 2

Blog about this entry
on MSN Spaces

Download the MSN
Encarta Right-Click
Dictionary

5. *transitive verb* bind somebody emotionally: to bind somebody emotionally to somebody else or to something (*usually passive*)

6. *transitive verb* MILITARY place somebody on temp duty: to assign military personnel to a military group on a temporary basis

7. *transitive verb* LAW seize something legally: to seize people or property by legal writ

- *They've attached her salary for nonpayment of taxes.*

[14th century. < Old French *atachier*, alteration of *estachier* "fasten with a stake" < Germanic]

- **at-tach-a-ble** *adjective*
- **at-tach-er** *noun*



Encarta Message
Pose questions, share
offer advice

MSN Shopping

MSN Shopping



**Upgrade your
Encarta® Experience**

Encarta RSS Feeds XML

Encarta® World English Dictionary [North American Edition] © & (P)2007
Microsoft Corporation. All rights reserved. Developed for Microsoft by
Bloomsbury Publishing Plc.

MSN Privacy Legal Advertise Newsletter Worldwide

© 2007 Microsoft



Attach - OneLook Dictionary Search

Page 1 of 1


[Home](#) [About](#) [Browse Dictionaries](#) [Reverse Dictionary](#) [Customize](#)
No More Boring Search

I'm tired of search results like this.
There's got to be more to look at.
www.ask.com

This is Boring People

I need to be entertained a little.
I like a little flair in my search.
www.ask.com

Boring Search Results

A great search is waiting to
Hello Here I Am, Come Look
www.ask.com

Word or phrase:
☒ Find definitions ☐ Find translations ☐ Search all dictionaries
Definitions from The Online Plain Text English Dictionary:**Attach**

- (n.) An attachment.
- (v. i.) To adhere; to be attached.
- (v. i.) To come into legal operation in connection with anything; to vest; as, dower will attach.
- (v. t.) To bind, fasten, tie, or connect; to make fast or join; as, to attach one thing to another by a string, by glue, or the like.
- (v. t.) To connect, in a figurative sense; to ascribe or attribute; to affix; -- with to; as, to attach great importance to a particular circumstance.
- (v. t.) To connect; to place so as to belong; to assign by authority; to appoint; as, an officer is attached to a certain regiment, company, or ship.
- (v. t.) To take by legal authority: (a) To arrest by writ, and bring before a court, as to answer for a debt, or a contempt; -- applied to a taking of the person by a civil process; being now rarely used for the arrest of a criminal. (b) To seize or take (goods or real estate) by virtue of a writ or precept to hold the same to satisfy a judgment which may be rendered in the suit. See Attachment, 4.
- (v. t.) To take, seize, or lay hold of.
- (v. t.) To win the heart of; to connect by ties of love or self-interest; to attract; to fasten or bind by moral influence; -- with to; as, attached to a friend; attaching others to us by wealth or flattery.

OPTED is a public domain English word list dictionary, based on the public domain portion of "The Project Gutenberg Etext of Webster's Unabridged Dictionary" which is in turn based on the 1913 US Webster's Unabridged Dictionary. (See [Project Gutenberg](#).)

[<< Go back](#)

Search completed in 0.024 seconds.


[Home](#) [About](#) [Browse Dictionaries](#) [Reverse Dictionary](#) [Customize](#)
[Link to us](#) [Word of the Day](#)

CAMBRIDGE | Dictionaries Online

Link to us



Help

Cambridge Dictionary of American English



Buy me

Look it up

Select another dictionary...

We publish dictionaries for people learning English all over the world.

Find out more...

Definition

attach

[Show phonetics]

verb [T]

to fasten or fix (something) in position, esp. in relation to something else

You attach this device to your windshield, and it sends a signal that opens the garage door.

To attach a particular quality to something is to consider it to have that quality: If you attach a negative label to a group, you can then treat all the members of that group badly.

attached

[Show phonetics]

adjective

feeling close to emotionally, or loving

She really gets attached to her cats.

attachment

[Show phonetics]

noun [C/U]

a strong feeling of being emotionally close to someone or something

She had a special attachment to these students.

An attachment is an extra piece of equipment that can be added to a machine: computer attachments

(from Cambridge Dictionary of American English)

CAMBRIDGE

Dictionaries online

Extra

Want more? Subscribe to
Cambridge Dictionaries Online
Extra for audio pronunciations,

Resources

Activities

Top 40 words

Word of the day

Data for Language
Researchers

About the corpus

English Language
Teachingfrom Cambridge
University Press

Many more resources are
available from
Cambridge ELT.



Search

CAMBRIDGE
Dictionaries
Online
ExtraAll the words
you need.Build your
vocabularyListen to
every wordAvoid
mistakes...and many
more!

thesaurus, extra example sentences, and much more!
Find out more...

© Cambridge University Press 2008.

213083355

The first and last words in dictionaries